

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

Civil Action #:  
12-CV-2173(SJ)

VERIFIED ANSWER

TWO HUNDRED EIGHTY-NINE THOUSAND  
EIGHT HUNDRED DOLLARS, MORE OR LESS,  
IN U.S. CURRENT (\$289,800.00) SEIZED FROM  
LUIS DAMIAN JACAS ON NOVEMBER 17, 2011;

TWO THOUSAND EIGHT HUNDRED FIFTY ONE  
DOLLARS AND FIFTY ONE CENTS, MORE OR  
LESS, IN U.S. CURRENCY (\$2,851.51) SEIZED FROM  
LUIS DAMIAN JACAS ON NOVEMBER 17, 2011;

TWO HUNDRED EIGHTY EIGHT (288) BOTTLES  
OF WINE SEIZED FROM LUIS DAMIAN JACAS  
ON NOVEMBER 17, 2011 AT WINE CARE  
STORAGE LLC ON NOVEMBER 17, 2011;

THEN THOUSAND DOLLARS MORE OR LESS,  
IN U.S. CURRENCY (\$10,000.00) SEIZED FROM  
ERIC R. BRAHMS ON NOVEMBER 17, 2011;

EIGHT HUNDRED SEVENTY THREE THOUSAND  
FOUR HUNDRED SEVENTY NINE DOLLARS,  
MORE OR LESS, IN U.S. CURRENCY (\$873,479.00)  
SEIZED FROM IRWIN GUTMAN ON NOVEMBER  
17, 2011; AND

EIGHT THOUSAND TWO HUNDRED DOLLARS,  
MORE OR LESS, IN UNITED STATES CURRENCY  
(\$8,200.00) IN U.S. CURRENCY SEIZED FROM  
ELLE CHONG ROZAN ON NOVEMBER 17, 2011;

Defendants In Rem.  
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Clamant, Luis Damian Jacas, by and through his attorney, David Segal, Esq.,  
alleges, upon information and belief, as follows:

*Rosa J. Martinez  
Segal, Esq.  
Clamant*

1. Denies each and every allegation set forth in paragraphs of the verified complaint numbered “8”, “9”, “10”, “11”, and “12”.

2. Denies the allegations set forth in paragraph of the verified complaint numbered “13” except admits that a State search warrant was executed at a Manhattan Mini Storage Unit, in the County of New York and that \$289,800.00 in US currency was seized.

3. Denies the allegations set forth in paragraph of the verified complaint numbered “14” except admits that \$2,851.51 and \$350.00 were seized at his residence and that 288 bottles of wine were seized from a unit at Wine Care Storage LLC belonging to him.

4. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs “15”, “16”, “17”, “18”, “19”, “20” and “21”.

5. Denies that the In Rem properties in paragraphs “13” and “14” are derived from proceeds traceable to violations of 18 U.S.C. 1029.

#### **FIRST AFFIRMATIVE DEFENSE**

The Court lacks subject matter jurisdiction.

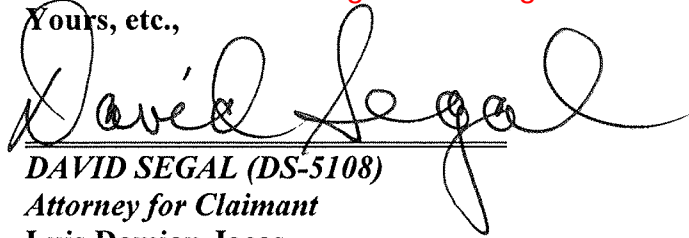
#### **SECOND AFFIRMATIVE DEFENSE**

The venue for this action belongs in the Southern District of New York.

WHEREFORE, claimant requests that the verified complaint be dismissed and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
June 6, 2012

Yours, etc.,

A handwritten signature in black ink, reading "David Segal". The signature is fluid and cursive, with a horizontal line drawn across the middle of the name.

**DAVID SEGAL (DS-5108)**

*Attorney for Claimant*

**Luis Damian Jacas**

**30 Vesey Street, Suite 900**

**New York, New York 10007**

**Tel. No.: (212) 406-9200**

**VERIFICATION**

**Luis Damian Jacas, being duly sworn deposes, says, and verifies:**

**I have read the Verified Answer and know the contents thereof. That the matters contained in the Answer are true based upon my personal knowledge.**

**I declare under penalty of perjury that the Answer is true and correct to the best of my knowledge, information and belief.**

**Dated: New York, New York 0  
June 6, 2012**

  
**LUIS DAMIAN JACAS**

Docket No.: **12-CV-2173(SJ)**

Year:

RJI No.:

Hon:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LUIS DAMIAN JACAS ON NOVEMBER 17, 2011;  
et al,

Defendants In Rem.

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**VERIFIED ANSWER**

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**DAVID SEGAL**

Attorney for Claimant Luis Damian Jacas  
Office & Post Office Address, Telephone

**30 VESEY STREET  
NEW YORK, N.Y. 10007  
(212) 406-9200**

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To:

Signature (Rule 130-1.1-a)

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Print name beneath

Attorney(s) for

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Service of a copy of the within

is hereby admitted.

Dated, \_\_\_\_\_

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Attorney(s) for

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Please take notice

1 NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within names court on

1 NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the HON.  
one of the judges of the within names court, at  
on

Yours, etc.

**DAVID SEGAL**

Attorney for Claimant Luis Damian  
Office & Post Office Address

**30 VESEY STREET  
NEW YORK, NY 10007**

To:

Jacas

Attorney(s) for: